

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00390

Eddie James,
Plaintiff,

v.

Botie Hillhouse et al.,
Defendants.

ORDER

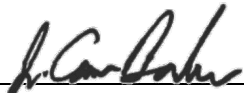
Plaintiff Eddie James, an inmate at Henderson County Jail, proceeding pro se and *in forma pauperis*, filed this lawsuit against, among others, defendant Botie Hillhouse pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge John D. Love. As an initial matter, this case is reopened for all purposes. On July 9, 2021, the magistrate judge issued a report first recommending that defendant Southern Health Partners's motion for summary judgment be granted and all claims against it be dismissed with prejudice. Doc. 50. On July 19, 2021, the magistrate judge issued a second report recommending that the remaining defendants' motion for summary judgment limited to exhaustion be granted and plaintiff's claims against them be dismissed without prejudice for failure to exhaust his required administrative remedies prior to filing this federal lawsuit. Doc. 51. Plaintiff filed timely objections to the report. Doc. 57.

When a party files specific written objections to a magistrate judge's report and recommendation, the court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which [an] objection is made." 28 U.S.C. § 636(b)(1)(C). General, vague, conclusive, or frivolous objections, however, will not suffice. *See Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). In such cases, the court will only review the magistrate judge's findings to determine if they are clearly erroneous or contrary to the law. *See Gallegos v. Equity Title Co. of*

Am., Inc., 484 F. Supp. 2d 589, 591 (W.D. Tex. 2007) (citations omitted).

Here, plaintiff's objections do not overcome defendants' competent summary judgment evidence. *See Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc) (explaining that the nonmovant cannot satisfy summary-judgment burden with conclusional allegations, unsubstantiated assertions, or only a scintilla of evidence). Having reviewed the magistrate judge's report and recommendation as well as the objections, the court overrules the plaintiff's objections and accepts the magistrate judge's findings and recommendations. Defendants' motions for summary judgment (Docs. 23, 25) are granted. The court orders that plaintiff's claims against Southern Health Partners are dismissed with prejudice. All remaining claims against the remaining defendants are dismissed, without prejudice, for failure to exhaust required administrative remedies.

So ordered by the court on September 14, 2021.



J. CAMPBELL BARKER
United States District Judge